

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICHARD COOEY, et al.,

Plaintiffs,

v.

TED STRICKLAND, et al.,

Defendants.

Case No. 2:04-cv-1156

JUDGE GREGORY L. FROST

Magistrate Judge Mark R. Abel

ORDER

This matter is before the Court for consideration of a motion to dismiss (Doc. # 659) filed by Defendants, a memorandum in opposition (Doc. # 662) filed by Plaintiff Donald E. Ketterer, and a reply memorandum (Doc. # 688) filed by Defendants. Based on the reasoning set forth in this Court's August 12, 2010 Opinion and Order regarding Plaintiff Jerome Henderson (Doc. # 801), which the Court incorporates herein by reference, this Court **GRANTS IN PART** and **DENIES IN PART** Defendants' motion to dismiss (Doc. # 659). The Court dismisses Claims One and Two. Claims Three and Four remain pending. Claim Five was previously deleted from this litigation. (Doc. # 690.)

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE